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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

St. Louis Cardinals LLC
______________________________,

Plaintiff,

V.

Douglas J. Lewis d/b/a STL PRODUCTS
______________________________,

Defendant,

Case #

407CV00473CEJ

DEFENDANTS RESPONSE

DEFENDANTS RESPONSE and SUPPORTING MEMORANDUM TO PLAINTIFF'S OPPOSITION RE: MOTION TO DISMISS

Mr. Doug Lewis having its principal address at 4143 Fox Crossing St. Louis, Mo 63034
314-341-8567

Defendant says as follows:

Defendant request for MOTION TO DISMISS are based on the **BASIC Constitutional Due process right "Right to Respond".**

Plaintiff has taken Defendant to Federal Court without "FIRST" ever specifically addressing the issues at hand.

With exception of the mark "Go Cards" which is presently being opposed (#91172611) by plaintiff via the United Stated Patent and Trademark Office. **Defendant has NEVER received "ANY" correspondence or communication from Plaintiff for "ANY" of the marks in question.**

Plaintiff has NOT "First" attempted to rectify this matter; instead Plaintiff is relying alone on his fame influence and the court system to eliminate Defendants small business with out due process.
The sole basis for the motion to dismiss is
"CONSTITUTIONAL DUE PROCESS RIGHTS"

SUPPORTING EVIDENCE

It must be noted that any reasonable law firm contesting an infringement would;
a). Send a demand or cease letter or,
b). If no response sent an additional demand or cease letter,
c). Use the assistance of a carrier or,
d). Send a certified demand or cease letter(s),
e). Attempt to resolve the matter through verifiable documented communication,
f). No vague or ambiguous demand or cease letter(s),
g). Specifically address any and "***ALL***" contested marks "***SPECIFICALLY***".

Claim

Plaintiff did not attempt to correctly and properly ***rectify the matter*** before taking Defendant to Court their by violating Defendant due process *right to respond.* This matter could have been settled with simple "COMMUNICATION" with out the assistance of the Courts.

Plaintiff did not attach any specific demand or cease letters to his opposition because there were none; there was no communication, no letters of communication specifically *addressing* **EACH** mark(s) sought in the lawsuit.

PLAINTIFFS LAWSUTE FILING WAS PREMATURE.

There are no "***disputed***" material facts to decide WITHOUT FRIST ATTEMPTING TO RECTIFY THE MATTER. The sole basis for the motion for judgment to dismiss is based on Plaintiff's unnecessary filing with out as much as an informal round table ***or any correspondence*** this is not conducive to **basic due process** and therefore, Defendant contends that Plaintiff's complaint be respectfully traversed.

WHEREFORE, Defendant prays that Case # 407CV00473CEJ

be dismissed; and for such other and further relief as the court may deem proper.

IT IS REQUESTED THAT DEFENDANTS SIGNATURE BE ACCEPTED FOR THIS DOCUMENT AND FOR DEFENDANTS FILED MOTION TO DISMISS DOCUMENT.

Dated: May 11, 2007

By: ______________________
Mr. Doug J. Lewis.

CERTIFICATE OF MAILING AND SERVICE

I certify that on of before May 11, 2007 an original of Defendants Motion to Dismiss is being deposited with the United States Postal Service as First Class Mail in an envelope to:

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Dated: May 11, 2007

By: ____________________
Mr. Doug J. Lewis.